IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 3058 OF 2005

1. M/s. Physicare Laboratories Pvt. Ltd. & 2 ors.] .. Petitioners

Versus

Dena Bank] .. Respondents

Mr. B.B. Parekh for the petitioners.

CORAM: R.M. LODHA, &
SMT. NISHITA MHATRE, JJ.

DATED: 16TH JANUARY, 2007

P.C. :

. We heard Mr. B.B. Parekh, the counsel for the Writ Petitioner and perused the order passed by the Debts Recovery Tribunal-II, Mumbai as well as the order passed by the Debts Recovery Appellate Tribunal.

2. The only submission of the counsel for the petitioners is that the decree in the sum of Rs.9,50,470.60 under Bill Purchase DA/DP by the Debts Recovery Tribunal and confirmed by the Appellate Tribunal is based on no evidence.

3. The submission of the counsel for the

petitioners is misconceived. It is apparent from the judgment of the Debts Recovery Tribunal that defendants did not raise any controversy concerning the outstanding amount of Rs.9,50,470.60 under Bill Purchase DA/DP. This is what the Debts Recovery Tribunal has noticed in paragraph 23 of its judgment:

> "As far as outstandings under Bill Purchase DA/DP of Rs.9,50,470.60 there is no controversy. The Defendants have not denied the extent thereof."

4. Before the Appellate Tribunal also the defendants seem to have not disputed with regard to this amount. The Appellate Tribunal, in the impugned order, observed thus:

> "..... the defendants had unequivocally admitted the grant and availment of the facilities by defendant No.1. They also admitted that the defendant No.3 stood as guarantors. Their signatures on the security documents are not denied. Their only contention is that signatures were taken on blank documents."

5. Though in the Written Statement the petitioners seem to have set up the defence that signatures were taken on blank documents, this point was not carried further and no controversy was raised in

this regard during the course of arguments and that is why the Debts Recovery Tribunal observed in his order that as far as outstandings under Bill Purchase DA/DP of Rs.9,50,470.60 there is no controversy.

6. In this backdrop, no case for invocation of extra ordinary jurisdiction in the concurrent findings of the Tribunal is required.

7. Writ Petition is dismissed in limine.

Sd/-
[R.M. LODHA, J.]

Sd/-
[SMT. NISHITA MHATRE, J.]